REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 31, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 102(b)

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102.

A. Rejections Under Wang

Claims 4, 19, and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Wang, et al. ("Wang," U.S. Pat. No. 6,035,055). Applicant respectfully traverses this rejection.

As a first matter, Applicant notes that claims 19 and 20 have been canceled through this Response. As such, the rejection is moot as to those claims.

Regarding independent claim 4, Applicant notes that Wang does not teach an "image file" that comprises both "digital image data" and "image meta-data". Instead, Wang teaches "pixel data" and "content data" that are "associated" with each other in an image database (Wang, column 3, line 65 to column 4, line 2), *but not combined together in*

a single file. Further support for this fact can be found in the following excerpts of the Wang reference:

> Each of the image databases 36 and 40-40n can be accessed from, for example, one of the subscriber sites 11-13 via the content servers of the respective data service system. Each of the image databases 36 and 40-40n stores a number of digital images and their content data. *Each of the digital images stored is, for example, in the pixel matrix format in the respective image database. The content data of each image are associated with the respective digital image stored in the image database, but are not necessarily physically stored adjacent to the respective image in the image database.* FIG. 2 shows the logical memory map 70 for the digital images stored in any of image databases 36 and 40-40n.
>
> As can be seen from FIG. 2, the logical memory map 70 includes a number of entries 71-70n, each for storing one digital image. Each entry (e.g., the entry 71) includes a content data field (e.g., the content data field 71a) and an image field (e.g., the image field 71b). *The content data field of each entry stores the content data of a digital image and the image field stores the image data of the digital image. The content data field of an entry is associated or linked to the image field of that entry.*
>
> [Wang, column 5, lines 45-63 (emphasis added)]

> The content analyzer 102 is used to analyze each digital image it receives to extract content information from the image. *The content analyzer 102 also stores the logical link (e.g., hyper-link) information between the content data and the pixel data of an image into the image database 103 if the content data and the pixel data of the image are stored in separate locations or databases of the image database 103.* FIG. 4 shows in more detail the content analyzer 102, which will be described in more detail below.
>
> [Wang, column 6, lines 47-53 (emphasis added)]

Because Wang does not describe any embodiment in which both the "pixel data" and the "content data" are contained within a single file, Wang cannot anticipate claim 4, which requires "an image file" that comprises both "digital image data" and "image meta-data". Applicant therefore requests that the rejection be withdrawn.

B. Rejections Under Fuller

Claims 4, 5, and 7-15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Fuller, et al. ("Fuller," U.S. Pat. No. 6,877,134). Applicant respectfully traverses this rejection.

1. Claims 4-5

In regard to independent claim 4, it is argued that Fuller teaches an image file comprising "image meta-data associated with the digital image data created by applying a predefined image analysis algorithm to the digital image data to identify content within the image" as required by claim 4. For support, the Examiner identifies reference numeral 1300 of the Fuller reference.

Contrary to that alleged in the Office Action, Fuller does not teach image meta-data associated with the digital image data "created by applying a predefined image analysis algorithm to the digital image data to identify content within the image" in association with reference number 1300. In particular, not described by Fuller is identifying "content within the image".

Regarding reference numeral 1300, Fuller identifies a "content-base metadata generation engine." However, Fuller only describes that engine as performing "keyframing, speech analysis, and so on." Fuller, column 18, lines 8-11. Clearly, neither "keyframing" nor "speech analysis" comprises identifying "content within the image". Furthermore, "and so on" is not a positive teaching of identifying "content within the image". Accordingly, Fuller does not actually that the content-base meta-data generation engine forms an image file that comprises "image meta-data associated with the digital image data created by applying a predefined image analysis algorithm to the digital image data to identify content within the image". For at least that reason, claims 4 and 5 are allowable over the Fuller reference.

With particular regard to claim 5, although Fuller generally mentions "keyword spotting" in column 4, line 1, Fuller is referring to extracting metadata from video images, not creating a "searchable keyword" as is required by claim 5.

2. Claims 7-12

Turning to independent claim 7, Fuller first does not teach an "image capture device" that comprises logic configured for "generating a digital representation of the image, the digital representation comprising image data", which also performs the functions identified in claim 7. Applicant notes that column 6, line 46 of the Fuller reference identifies "analog sources" of content that can be processed by the Video Cataloger 110 of the described invention. Although such "sources" may provide data that can be processed with the Video Cataloger, Fuller does not state that that processing is provided on an "image capture device". This fact is supported by Figure 1 of the Fuller

reference, which clearly shows an "analog source 102" as being *separate* from the "Video Cataloger 110".

As a second point, Fuller does not teach an image capture device comprising logic configured for "applying at least one predefined image analysis algorithm to the digital representation of the image to identify content within the image, the at least one predefined image analysis algorithm generating image meta-data corresponding to the image content" in relation to reference numeral 1300, for reasons described above.

In view of above, Fuller does not anticipate claim 7 or its dependents.

With particular regard to dependent claim 12, although Fuller generally mentions "keyword spotting" in column 4, line 1, Fuller is referring to extracting metadata from video images, not creating a "searchable keyword" as is required by claim 12.

3. Claims 13-15

Turning to independent claim 13, Fuller does not teach a method for generating an image file containing meta-data comprising "applying at least one predefined image analysis algorithm to the digital representation of the image to identify content within the image, the at least one predefined image analysis algorithm generating meta-data corresponding to the image content" for the reasons described above in relation to claims 1 and 7. Therefore, Fuller does not anticipate claim 13 or its dependents

With particular regard to dependent claim 14, although Fuller generally mentions "keyword spotting" in column 4, line 1, Fuller is referring to extracting metadata from video images, not creating a "searchable keyword" as is required by claim 14.

II. Claim Rejections - 35 U.S.C. § 103(a)

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

In the present case, the prior art does not teach or suggest all of the claim limitations, and/or there is no suggestion or motivation in the prior art to modify the references to include those limitations.

A. Rejection of Claim 6

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuller in view of Souma, et al. ("Souma," U.S. Pat. No. 5,901,244). Applicant respectfully traverses this rejection.

As is identified above, Fuller does not teach aspects of Applicant's claim 4. In that Souma does not remedy the deficiencies of the Fuller reference, Applicant respectfully submits that claim 6, which depends from claim 4, is allowable over the Fuller/Souma combination for at least the same reasons that claim 4 is allowable over Fuller.

B. Rejection of Claims 16-20

Claims 16-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuller in view of Li, et al. ("Li," U.S. Pat. No. 5,734,893). Applicant respectfully traverses this rejection.

As an initial matter, Applicant notes that claims 19 and 20 have been canceled through this Response. As such, the rejections as to those claims are moot.

Regarding independent claim 16, the Examiner argues that Fuller teaches "image meta-data having been generated by applying a predefined image analysis algorithm to a digital representation of an image to identify content within the image", and refers to the analysis provided by the Examiner in relation to claim 4. Applicant refers back to the discussion of claim 4 and reiterates that Fuller's reference numeral 1300 does not identify "content within the image". Given that Li does not provide the missing teaching, Applicant submits that claim 16 and its dependents are allowable over the Fuller/Li combination.

With particular regard to dependent claim 18, Applicant again notes that although Fuller generally mentions "keyword spotting" in column 4, line 1, Fuller is referring to extracting metadata from video images, not creating a "searchable keyword" as is required by claim 18.

III. Canceled Claims

Claims 1-3 and 19-20 have been canceled from the application without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

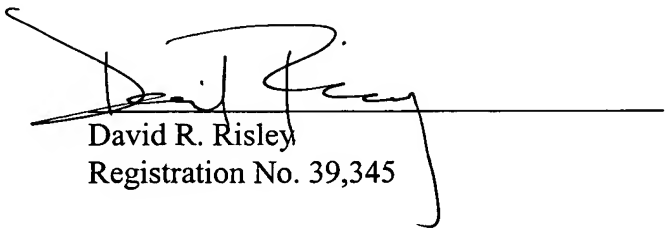
IV. New Claims

Claims 21-33 have been added into the application through this Response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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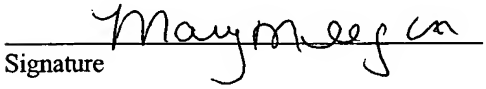

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